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Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

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USIA-15 DRC-01 OMB-01 /091 W
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FM AMEMBASSY TOKYO
TO SECSTATE WASHDC 1903
INFO CINCPAC HONOLULU HI

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CINCPAC FOR POLAD

E.O. 11652: N/A
TAGS: PINT, JA
SUBJECT: TOKYO DISTRICT COURT DISMISSES JCP SUIT FOR EQUAL SPACE

REF: TOKYO A-86

SUMMARY: TOKYO DISTRICT COURT MAY 14 DISMISSED SUIT FILED BY JCP SEEKING COURT ORDER TO SANKEI SHIMBUN TO PROVIDE EQUAL SPACE, FREE OF CHARGE, TO RESPOND TO ANTI-JCP POLITICAL AD PLACED IN THAT NEWSPAPER BY LDP LATE LAST YEAR. END SUMMARY.

1. TOKYO DISTRICT COURT CIVIL SECTION MAY 14 DISMISSED UNPRE-CEDENTED SUIT BROUGHT BY JCP UPPER HOUSE MEMBER SANZO NOZAKA WHO PETITIONED FOR COURT ORDER TO SANKEI SHIMBUN TO PROVIDE EQUAL SPACE, FREE OF CHARGE, FOR JCP TO RESPOND TO QTE SLANDEROUS UNQTE ANTI-JCP POLITICAL AD PLACED IN DECEMBER 2, 1973, ISSUE BY LDP (REFAIR). IN LATEST ROUND OF CONTINUING BATTLE OVER THIS POLITICAL AD, NOZAKA ALLEGED THAT LDP DISTORTED JCP POSITION ON STATUS OF DIET, EMPERIOR AND SELF DEFENSE FORCES UNDER PROPOSED DEMOCRATIC COALITION GOVERNMENT, WITH INTENT TO LIBEL JCP.

2. IN STATING REASON FOR DISMISSAL OF SUIT, PRESIDING JUDGE
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TSUTOMU SHIOZAKI SAID THAT NEWS MEDIA HAVE MISSION TO SERVE PUBLIC

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AND SHOULD BE GIVEN FULLEST LATITUDE TO PRINT NEWS ARTICLES, COMMENTARY AND OPINION ADS TO MAXIMUM EXTENT GUARANTEED BY CONSTITUTION. ALSO, IN VIEW OF THEIR PUBLIC NATURE, HE SAID THAT DEROGATORY CRITICISM OF POLITICAL PARTIES IS PERMISSIBLE AS LONG AS IT IS BASED ON TRUTH AND NOT EXPRESSED IN TERMS OFFENSIVE TO GOOD SENSE. ALTHOUGH CONCEDING THAT THIS POLITICAL AD DID SEEK TO DIMINISH PUBLIC STATURE OF JCP, JUDGE SHIOZAKI STATED THAT HE COULD NOT RULE THAT IT VIOLATED LAW, BECAUSE IT NOT BASED ON FALSEHOOD OR PHRASED IN VULGAR, INSULTING OR DEFAMATORY LANGUAGE. HE SUGGESTED THAT PROPER REMEDY FOR POLITICAL PARTY CRITICIZED SHOULD BE FOUND IN POLITICAL ARENA.

3. JCP ORGAN PAPER AKAHATA DENOUNCED DECISION AND STATED THAT PARTY WOULD FIGHT ISSUE THROUGH TO END.

4. COMMENT: NIHON KEIZAI AS WELL AS SANKEI SHIMBUN CARRIED SAME POLITICAL AD DECEMBER 2, BUT FORMER HAS BEEN SPARED FURTHER HARRASSMENT SINCE IT GAVE IN TO JCP PRESSURE AND ANNOUNCED THAT IT WOULD NO LONGER ACCEPT POLITICAL ADS. UNPRECEDENTED SUIT AGAINST SANKEI ILLUSTRATES THE KIND OF TACTICS ENGAGED IN BY THE JCP IN ITS EFFORT TO BUILD AN OPEN, NON-REVOLUTIONARY POLITICAL IMAGE. LDP CAMPAIGN SPEAKERS NO DOUBT WILL CITE THIS CASE IN ATTEMPT TO COUNTER JCP EFFORT. JCP'S ANNOUNCED INTENTION TO FIGHT THIS ISSUE TO THE END PRESUMABLY INCLUDES APPEAL TO HIGHER COURT. END COMMENT.
SHOESMITH

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